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### United States Bankruptcy Court

### **District of Minnesota**

IN RE:	Case No. 15-41644
Drake, Keith Allen & Drake, Vickie Lynn	Chapter <b>13</b>
Debtor(s)	

### **MODIFIED CHAPTER 13 PLAN**

Dated: August 6, 2015.

#### 1. DEBTOR'S PAYMENTS TO TRUSTEE -

- a. As of the date of this plan, the debtor has paid the trustee \$ 3,420.00.
- b. After the date of this plan, the debtor will pay the trustee \$ 1,750.00 per month for 36 months, beginning August 2015 for a total of \$ 63,000.00. Debtor has \$63.10 deducted weekly from each paycheck in repayment of his 401K loan. The expiration date of this loan is scheduled for July 2018. At the time this loan expires, Debtors will increase their Ch 13 plan payment to \$ 2,023.00 for 1 month. Debtor has \$63.10 deducted weekly from each paycheck in repayment of his 401K loan. The expiration date of this loan is scheduled for August 2018. At the time this loan expires, Debtors will increase their Ch 13 plan payment to \$ 2,129.00 for the remaining 21 months. The minimum plan length is [ ] 36 or [X] 60 months from the date of the initial plan payment unless all allowed claims are paid in a shorter time.
- c. The debtor will also pay the trustee: n/a
- d. The debtor will pay the trustee a total of  $\frac{113,132.00}{13,132.00}$  [line 1(a) + 1(b) + 1(c)].
- **2. PAYMENTS BY TRUSTEE** The trustee will pay from available funds only creditors for which proofs of claim have been filed. The trustee may collect a fee of up to 10% of plan payments, or \$ 11,313.20, [line 1(d) x .10].
- **3. ADEQUATE PROTECTION PAYMENTS** [§ 1326(a)(1)(C)] The trustee will promptly pay from available funds adequate protection payments to creditors holding allowed claims secured by personal property, according to the following schedule, beginning in month one (1).

	Number	
	Monthly of	TOTAL
Creditor	Payment Months	<i>PAYMENTS</i>
Members Co-Op Credit Union	50.00 3	150.00
Santander Consumer Usa	50.00 3	150.00
TOTAL		300.00

**4. EXECUTORY CONTRACTS AND UNEXPIRED LEASES** [§ 365] – The debtor assumes the following executory contracts or unexpired leases. Cure provisions, if any, are set forth in ¶ 7.

Hyundai Motor Finance

Description of Property

2013 Hyundai Sonata Vehicle Lease

**5. CLAIMS NOT IN DEFAULT** – Payments on the following claims are current and the debtor will pay the payments that come due after the date the petition was filed directly to the creditors. The creditors will retain liens, if any.

Fed Loan Serv Fed Loan Serv Student Loan Fed Loan Serv	Creditor	Description of Claim
Fed Loan Serv Fed Loan Serv Student Loan	Fed Loan Serv	Student Loan
Fed Loan ServStudent LoanFed Loan ServStudent Loan	Fed Loan Serv	Student Loan
Fed Loan Serv Student Loan	Fed Loan Serv	Student Loan
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Fed Loan Serv Student Loan	Fed Loan Serv	Student Loan
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Fed Loan Serv Student Loan	Fed Loan Serv	Student Loan
	Fed Loan Serv	Student Loan
Fed Loan Serv Student Loan	Fed Loan Serv	Student Loan

**6. HOME MORTGAGES IN DEFAULT** [§ 1322(b)(5) and § 1322(e)] – The trustee will cure defaults on the following claims secured only by a security interest in real property that is the debtor's principal residence. The debtor will pay the payments that come due after the date the petition was filed directly to the creditors. The creditors will retain liens. <u>All following entries are</u> estimates. The trustee will pay the actual amounts of default.

Amount of Monthly in of TOTAL
Default Payment Month# Payments PAYMENTS

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Green Tree Servicing L Select Portfolio Svcin		Document	Page 2 of 9 235.26 6,527.09	29.41 815.89	3 3	8 8	235.26 6,527.09
TOTAL							6,762.35

7. CLAIMS IN DEFAULT [§ 1322 (b)(3) and (5) and § 1322(e)] – The trustee will cure defaults on the following claims as set forth below. The debtor will pay the payments that come due after the date the petition was filed directly to the creditors. The creditors will retain liens, if any. All following entries are estimates, except for interest rate.

				eginning	Number	
	Amount of	Int. rate	Monthly	in	of	TOTAL
Creditor	Default	(if any)	Payment [		Payments	<b>PAYMENTS</b>
Hyundai Motor Finance	811.12	0.00	202.78	10	4	811.12
Sherburne County Auditor/Treasurer	1,664.00	10.00	456.70	10	4	1,826.80
TOTAL						2,637.92

**8. OTHER SECURED CLAIMS; SECURED CLAIM AMOUNT IN PLAN CONTROLS** [§ 1325(a)(5)] – The trustee will pay, on account of the following allowed secured claims, the amount set forth in the "Total Payments" column, below. The creditors will retain liens securing the allowed secured claims until the earlier of the payment of the underlying debt determined under nonbankruptcy law, or the date of the debtor's discharge. NOTWITHSTANDING A CREDITOR'S PROOF OF CLAIM FILED BEFORE OR AFTER CONFIRMATION, THE AMOUNT LISTED IN THIS PARAGRAPH AS A CREDITOR'S SECURED CLAIM BINDS THE CREDITOR PURSUANT TO 11 U.S.C. § 1327, AND CONFIRMATION OF THE PLAN IS A DETERMINATION OF THE CREDITOR'S ALLOWED SECURED CLAIM.

Creditor	Claim Amount	Secured Claim	Int. Rate	Beginning in Month #	Monthly Payment P	Number of ayments	Payments on Account of Claim	Adequate Protection from ¶ 3	TOTAL PAYMENTS	
Members Co-Op Credit Union (2012 Kia Sedona)	18,157.00	18,007.00	4.75	4	359.14	56	20,111.94	150.00	20,261.94	
Santander Consumer Usa (2012 Kia Soul)	14,358.40	14,208.40	4.75	4	283.38	56	15,869.25	150.00	16,019.25	
United Consumer FinI S (Kirby Vacuum)	641.00	641.00	4.00	10	166.46	4	665.82	0.00	665.82	
TOTAL									36,947.01	

**9. PRIORITY CLAIMS** – The trustee will pay in full all claims entitled to priority under § 507, including the following. <u>The amounts listed are estimates</u>. The trustee will pay the amounts actually allowed.

Creditor	Estimate Claim	Monthly	in Month #	of	TOTAL PAYMENTS
Heller & Thyen, P.A. Heller & Thyen, P.A.	3,500.00 500.00	1,166.67	1	3	3,500.00 500.00
IRS MN Department Of Revenue	1.00 1.00	1.00 1.00	3 3	1 1	1.00 1.00
TOTAL					4,002.00

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**10. SEPARATE CLASSES OF UNSECURED CREDITORS**—In addition to the class of unsecured creditors specified in ¶ 11, there shall be separate classes of non-priority unsecured creditors described as follows:

The trustee will pay the allowed claims of the following creditors. *All entries below are estimates*.

Reginning Number

Int. Rate Claim Monthly in of TOTAL

Creditor (if any) Amount Payment Month # Payments PAYMENTS

None

TOTAL 0.00

- 11. TIMELY FILED UNSECURED CREDITORS The trustee will pay holders of nonpriority unsecured claims for which proofs of claim were timely filed the balance of all payments received by the trustee and not paid under  $\P$  2, 3, 6, 7, 8, 9 and 10 their pro rata share of approximately \$ 51,113.74 [line 1(d) minus lines 2, 6(d), 7(d), 8(d), 9(f), and 10(c)].
- a. The debtor estimates that the total unsecured claims held by creditors listed in  $\P 8$  are \$ 0.00.
- b. The debtor estimates that the debtor's total unsecured claims (excluding those in  $\P 8$  and  $\overline{\P 10}$ ) are \$ 51,113.74.
- c. Total estimated unsecured claims are \$ 51,113.74 [line 11(a) + line 11(b)].
- **12. TARDILY-FILED UNSECURED CREDITORS** All money paid by the debtor to the trustee under ¶ 1, but not distributed by the trustee under ¶ 2, 3, 6, 7, 8, 9, 10, or 11 will be paid to holders of nonpriority unsecured claims for which proofs of claim were tardily filed.

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13. OTHER PROVISIONS – The trustee may distribute additional sums not expressly provided for herein at the trustee's discretion.

The debtor(s) shall provide copies of their federal and state income tax returns to the trustee annually and shall pay the net amount of their combined income tax refunds in excess of \$2,000, less any earned income credit, as additional plan payments, except for 2014 tax refunds that are exempt on Schedules B and C.

Pursuant to 11 U.S.C. Section 1305, a proof of claim may be filed by the Internal Revenue Service for a claim attributable to the taxable year in which the case concerning such debtor(s) was filed. The trustee shall pay the claim, but only to the extent funds are available.

As to the claims dealt with in paragraphs 5, 6, 7, and 8, as well as any purchase money security interests, in the event of the surrender, foreclosure, repossession, or return of the collateral to the creditor for any reason, the balance of the claim, if any, will be paid as an unsecured claim, discharged by the discharge granted pursuant to 11 USC 1328.

The debtor(s) shall not oppose any creditor claiming a purchase money security interest in and to household furnishings, from availing itself of its legal remedies under the Bankruptcy Code, namely, the submission of an application for relief from stay under 11 U.S.C. Sec. 362. Upon appropriate court order regarding relief from the automatic stay provisions of 11 U.S.C. Sec. 362, the debtor shall not oppose a creditor from availing itself of any applicable state law remedies it believes are available for purposes of reclaiming the household furnishings. Upon appropriate order from the Sherburne County Court, the debtor(s) shall surrender the household furnishings to a creditor in compliance with such Sherburne County Court Order, if any.

This is a § 1306 plan. Any pre- and post-petition property of the debtor will remain property of the bankruptcy estate until conversion, dismissal or completion of the plan payments. This includes any post-petition earnings of the debtor.

This plan is intended to pay claims for years which ended before the petition filed under 11 U.S.C. § 502(i).

Select Portfolio Servicing and Green Tree Loan Servicing will accept the Debtor(s) direct monthly mortgage payments and apply said payments to the Debtor(s) forward-moving monthly mortgage obligations.

Select Portfolio Servicing and Green Tree Loan Servicing will recommence issuing monthly mortgage statements within 30 days of the confirmation of the plan.

Debtors will pay 100% of all claims filed, excluding student loans which we be paid direct.

Debtor will keep all quarterly bonuses which are listed on Schedule I.

### 14. SUMMARY OF PAYMENTS -

Trustee's Fee [Line2)	\$ 11,313.20
Home Mortgage Defaults [Line 6(d)]	\$ 6,762.35
Claims in Default [Line 8(d)]	\$ 2,637.92
Other Secured Claims [Line 8(d)]	\$ 36,947.01
Priority Claims [Line 9(f)]	\$ 4,002.00
Separate Classes [Line 10(c)]	\$ 0.00
Unsecured Creditors [Line 11]	\$ 51,469.52
TOTAL [must equal Line 1(d)]	\$ 113,132.00

Robert S. Thyen 032288X Heller & Thyen, P.A. 606 25th Avenue South, Suite 110 St. Cloud, MN 56301-4810 (320) 654-8000

Signed: /s/ Keith Allen Drake

DEBTOR

Signed: /s/ Vickie Lynn Drake

DEBTOR (if joint case)

(11/14)

### United States Bankruptcy Court District of Minnesota

In re	Dral	ce, Keith Allen & Drake, Vickie Lynn		IGNATURE DECLARATION se in electronically filed cases only)
		Debtor(s)	Case No. Chapter	15-41044
	HAPTE OLUNT MENDN ODIFIE THER (	N, SCHEDULES & STATEMENTS R 13 PLAN FARY CONVERSION, SCHEDULES AND SMENT TO PETITION, SCHEDULES & STATE OF CHAPTER 13 PLAN Please describe: VM Tation of Motion	TEMENTS	ty plan
	, the und of perju	ersigned debtor(s) or authorized representative o rry:	f the debtor, 1	make the following declarations under
	1.	The information I have given my attorney for the amendments, and/or chapter 13 plan, as indicated		
	2.	The Social Security Number or Tax Identification court's Case Management/Electronic Case Filing commencement of the above-referenced case is	g (CM/ECF)	system as a part of the electronic
	3.	[individual debtors only ] If no Social Security above, it is because I do not have a Social Security		s provided as described in paragraph 2
	4.	I consent to my attorney electronically filing wi statements and schedules, amendments, and/or escanned image of this Signature Declaration;		
	5.	My electronic signature contained on the docume as if it were my original signature on those documents.		th the Bankruptcy Court has the same effect
	6.	[corporate and partnership debtors only ] I h debtor.	ave been autl	norized to file this petition on behalf of the
Date:	8/6/	7015		
	_	Momm	`	Toxic Navo.
Signati	ure of De	btor or Authorized Representative	Signature of J	oint Debtor
	Allen Dr	ake f Debtor or Authorized Representative	Vickie Lynn Printed Name	Drake of Joint Debtor

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Heller & Thyen P.A. Robert Thyen 606 25th Ave S Ste 110 St. Cloud, MN 56301

## UNITED STATES BANKRUPTCY COURT DISTRICT OF MINNESOTA

IN RE: Keith Drake Vickie Drake CASE NO: 15-41644

### DECLARATION OF MAILING CERTIFICATE OF SERVICE

Chapter: 13

ECF Docket Reference No.

Judge:

Hearing Location: Hearing Date: Hearing Time: Response Date:

On 8/6/2015, I did cause a copy of the following documents, described below,

Amended Service Letter,

Post-Confirmation Notice of Hearing and Motion to Confirm Modified Plan

Modified Plan

Amended Schedules

Sig Dec

to be served for delivery by the United States Postal Service, via First Class United States Mail, postage prepaid, with sufficient postage thereon to the parties listed on the mailing matrix exhibit, a copy of which is attached hereto and incorporated as if fully set forth herein.

I caused these documents to be served by utilizing the services of BK Attorney Services, LLC d/b/a certificateofservice. com, an Approved Bankruptcy Notice Provider authorized by the United States Courts Administrative Office, pursuant to Fed.R.Bankr.P. 9001(9) and 2002(g)(4). A copy of the declaration of service is attached hereto and incorporated as if fully set forth herein.

DATED: 8/6/2015

/s/ Robert Thyen
Robert Thyen 032288X
Heller & Thyen P.A.
606 25th Ave S Ste 110
St. Cloud, MN 56301
320 654 8000
erin@hellerthyen.com

## UNITED STATES BANKRUPTCY COURT DISTRICT OF MINNESOTA

IN RE: Keith Drake Vickie Drake

CASE NO: 15-41644

## CERTIFICATE OF SERVICE DECLARATION OF MAILING

Chapter: 13

ECF Docket Reference No.

Judge:

Hearing Location: Hearing Date: Hearing Time: Response Date:

On 8/6/2015, a copy of the following documents, described below,

Amended Service Letter,

Post-Confirmation Notice of Hearing and Motion to Confirm Modified Plan

Modified Plan

Amended Schedules

Sig Dec

were deposited for delivery by the United States Postal Service, via First Class United States Mail, postage prepaid, with sufficient postage thereon to the parties listed on the mailing matrix exhibit, a copy of which is attached hereto and incorporated as if fully set forth herein.

The undersigned does hereby declare under penalty of perjury of the laws of the United States that I have served the above referenced document(s) on the mailing list attached hereto in the manner shown and prepared the Declaration of Certificate of Service and that it is true and correct to the best of my knowledge, information, and belief.

DATED: 8/6/2015

/s/ Jay S. Jump
Jay S. Jump
BK Attorney Services, LLC
d/b/a certificateofservice.com, for
Heller & Thyen P.A.
Robert Thyen
606 25th Ave S Ste 110
St. Cloud, MN 56301

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CASE INFO

LABEL MATRIX FOR LOCAL NOTICING 0864-4 CASE 15-41644 DISTRICT OF MINNESOTA MINNEAPOLIS THU AUG 6 09-41-51 CDT 2015

UNITED CONSUMER FINANCIAL SERV. BASS & ASSOCIATES P.C. 3936 E. FT. LOWELL RD SUITE 200 TUCSON AZ 85712-1083

WELLS FARGO BANK N.A. AS TRUSTEE ON BEHAT. WILFORD GESKE & COOK P.A. 7616 CURRELL BLVD SUITE 200 WOODBURY MN 55125-2296

EXCLUDE

MINNEAPOLIS 001 U.S. COURTHOUSE 000 SOUTH FOURTH STREET ALLIED INTERSTATE LLC PO BOX 361774 COLUMBUS OH 43236-1774

AMERICAN CORADIUS INTERNATIONAL 2420 SWEET HOME RD STE 150 BUFFALO NY 14228-2244

AMERICAN INFOSOURCE LP AS AGENT FOR MIDLAND FUNDING LLC PO BOX 268941 OKLAHOMA CITY OK 73126-8941

CACH LLC 4340 S MONACO ST UNIT 2 DENVER CO 80237-3408

CACH LLC 4340 S. MONACO STREET 2ND FLOOR DENVER CO 80237-3485

CAPITAL ONE PO BOX 60599 CITY OF INDUSTRY CA 91716-0599

CAPITAL ONE BANK USA N 15000 CAPITAL ONE DR RICHMOND VA 23238-1119

CAVALRY PORTFOLIO SERV PO BOX 27288 TEMPE AZ 85285-7288

CENTRACARE HEALTH 1200 6TH AVE N SAINT CLOUD MN 56303-2736 CHASE CARD PO BOX 15298 WILMINGTON DE 19850-5298 CITIBANK PO BOX 6275 SIOUX FALLS SD 57117-6275

COMENITY BANK PO BOX 182789 COLUMBUS OH 43218-2789 COMENITY CAPITAL BANKPAYPAL CREDIT CROWN ASSET MANAGEMENT LLC CO WEINSTEIN & RILEY P.S. 2001 WESTERN AVENUE STE 400 SEATTLE WA 98121-3132

3100 BRECKINRIDGE BLVD SUITE 725 DULUTH GA 30096-7605

CAPITAL ONE BANK (USA) N.A. PO BOX 71083 CHARLOTTE NC 28272-1083

CAVALRY SPV I LLC 500 SUMMIT LAKE DRIVE STE 400 VALHALLA NY 10595-1340

DISCOVER FINANCIAL SERVICES LLC PO BOX 3025 NEW ALBANY OH 43054-3025

DISCOVER FIN SVCS LLC PO BOX 15316 WILMINGTON DE 19850-5316 DYNIA & ASSOCIATES LLC 1400 E TOUHY AVE STE G2 DES PLAINES IL 60018-3338

DISCOVER BANK DISCOVER PRODUCTS INC PO BOX 3025 NEW ALBANY OH 43054-3025

ENCORE RECEIVABLE MANAGEMENT PO BOX 47248 OAK PARK MI 48237-4948

ENHANCED RECOVERY CORP 8014 BAYBERRY RD JACKSONVILLE FL 32256-7412

ENCORE RECEIVABLE MANAGEMENT 400 NORTH ROGERS ROAD OLATHE KS 66062-1212

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FED LOAN SERV PO BOX 60610 HARRISBURG PA 17106-0610 FIRSTSOURCE ADVANTAGE LLC PO BOX 628 BUFFALO NY 14240-0628

FORSTER & GARBUS LLP 60 VANDERBILT MOTOR PARKWAY P O BOX 9030 COMMACK NY 11725-9030

GE CAPITAL RETAIL BANK PO BOX 965037 ORLANDO FL 32896-0001 GE MONEY BANKPAYPAL CREDIT PO BOX 981400 EL PASO TX 79998-1400 GREEN TREE SERVICING L PO BOX 6172 RAPID CITY SD 57709-6172

GREEN TREE SERVICING LLC PO BOX 0049 PALATINE IL 60055-0049

GREENTREE SERVICING LLC BANKRUPTCY DEPARTMENT P O BOX 6154 RAPID CITY SD 57709-6154 HYUNDAI MOTOR FINANCE PO BOX 20829 FOUNTAIN VALLEY CA 92728-0829

HYUNDAI MOTOR FINANCE COMPANY PO BOX 20809 FOUNTAIN VALLEY CA 92728-0809

IRS CENTRALIZED INSOLVENCY PO BOX 7346 PHILADELPHIA PA 19101-7346 J.A. CAMBECE LAW OFFICE P.C. 200 CUMMINGS CTR STE 173D BEVERLY MA 01915-6190

J.C. CHRISTENSEN & ASSOCIATES PO BOX 519 SAUK RAPIDS MN 56379-0519 LAW OFFICE OF JOE PEZZUTO LLC 6636 CEDAR AVE S STE 150 MINNEAPOLIS MN 55423-2710 MEMBERS CO-OP CREDIT UNION 3828 PROSPERITY RD DULUTH MN 55811-4059

MESSERLI & KRAMER P.A. 3033 CAMPUS DR STE 250 PLYMOUTH MN 55441-2662 MEYER & NJUS 1100 US BANK PLAZA 200 S 6TH ST MINNEAPOLIS MN 55402-1595

MIDLAND FUNDING 8875 AERO DR STE 200 SAN DIEGO CA 92123-2255

MN DEPARTMENT OF REVENUE
COLLECTIONS DIVISION BKY SECTION
PO BOX 64447
SAINT PAUL MN 55164-0447

NCO FINANCIAL PO BOX 15636 WILMINGTON DE 19850-5636 ORIN J. KIPP WILFORD GESKE & COOK P.A. 7616 CURRELL BLVD STE 200 WOODBURY MN 55125-2296

PAYPAL INC PO BOX 45950 OMAHA NE 68145-0950 QUANTUM3 GROUP LLC AS AGENT FOR CROWN ASSET MANAGEMENT LLC PO BOX 788 KIRKLAND WA 98083-0788 RGS FINANCIAL PO BOX 852039 RICHARDSON TX 75085-2039

SANTANDER CONSUMER USA 8585 N STEMMONS FWY STE 1100-N DALLAS TX 75247-3822 SELECT PORTFOLIO SVCIN PO BOX 65250 SALT LAKE CITY UT 84165-0250 SHERBURNE COUNTY AUDITORTREASURER 13880 BUSINESS CTR DR NW ELK RIVER MN 55330-1692 ST. CLOUD MEDICAL GROUP 251 COUNTY ROAD 120 SAINT CLOUD MN 56303-4872

SYNCBWALMART DC 4125 WINDWARD PLAZA ALPHARETTA GA 30005-8738 SYNCHRONY BANK PO BOX 27288 TEMPE AZ 85285-7288

SANTANDER CONSUMER USA INC P.O. BOX 560284 DALLAS TX 75356-0284 SELECT PORTFOLIO SERVICING INC. ATTN- REMITTANCE PROCESSING P.O. BOX 65450 SALTA LAKE CITY UT 84165-0450 SHERBURNE COUNTY AUDITORTREASURER 13880 BUSINESS CENTER DR. ELK RIVER MN 55330-1692

TD BANK USA N.A. C O WEINSTEIN & RILEY PS 2001 WESTERN AVENUE STE 400 SEATTLE WA 98121-3132 TD BANK USATARGETCRED PO BOX 673 MINNEAPOLIS MN 55440-0673 U.S. DEPARMENT OF EDUCATION CO FEDLOAN SERVICING P.O.BOX 69184 HARRISBURG PA 17106-9184

UNITED CONSUMER FINL S 865 BASSETT RD WESTLAKE OH 44145-1194 UNITED RECOVERY SYSTEMS PO BOX 722910 HOUSTON TX 77272-2910 IS TRUSTEE

EXCLUDE

-US TRUSTEE -1015 US COURTHOUSE -300 S 4TH ST

UNITED DIRECT FINANCE INC
BASS & ASSOCIATES P.C.
3936 E. FT LOWELL ROAD SUITE 200
TUSCON AZ 85712-1083

KEITH ALLEN DRAKE 5674 105TH AVE CLEAR LAKE MN 55319-9539

DEBTOR

DADMEGUTTE

ROBERT S. THYEN HELLER & THYEN P.A. 606 25TH AVE SOUTH SUITE 110 ST. CLOUD MN 56301-4810

VICKIE LYNN DRAKE 5674 105TH AVE CLEAR LAKE MN 55319-9539